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SIPDIS

SENSITIVE

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E.O. 12958: N/A

TAGS: [ETTC](#) [KSTC](#) [PARM](#) [PREL](#) [IN](#) [GOI](#)

SUBJECT: EXBS: EXPORT CONTROL SYSTEM STANDARDS FOR INDIA

REF: A. STATE 34282 B. 03 NEW DELHI 2399

1. (SBU) Export Control System Standards for India, in response to Ref A. The GOI is in the process of introducing new legislation aimed at licensing and controlling the export of WMD and their delivery systems. MEA contacts have stated that they expect to introduce and seek approval of the legislation by May 13. Embassy has requested a briefing on the specifics of the proposed legislation. The following answers are based on legislation, licensing and enforcement procedures as they currently exist.

I. Adequate commitment, legal and regulatory framework, and governmental structure to regulate transfers of weapons and weapons-related technology, and to sufficiently deter violations and punish violators.

A. Political Commitment

1. Is there a national commitment to export control development?

The GOI has expressed its commitment to developing better export controls as part of the Next Steps in Strategic Partnership (NSSP) and hopes to introduce and pass comprehensive export control legislation in the next month. Within Customs, Excise, and Narcotics, there is a general recognition, among senior level officials that customs needs to expand its interest and focus to areas outside of revenue collection, including export control.

2. Do policies currently exist to cooperate internationally on harmonization of export control policies?

No, the GOI has not formally undertaken harmonization of export control lists, but has expressed an interest in doing so.

3. Is the subject country willing to work within the international community to address common threats?

Yes, the GOI is strongly committed to combating proliferation of WMD and sensitive technologies.

4. Which agencies currently are involved in developing control policies? What are they?

The Ministry of External Affairs (MEA) coordinates the work of other relevant GOI agencies, including the Ministries of Commerce, Defense, and Finance, and the independent Departments of Atomic Energy and Space.

5. Are there key host-government contacts in the national commitment area? Who are they?

-- MEA Additional Secretary (International Security) Meera Shankar  
-- MEA Joint Secretary (US and Canada) S. Jaishankar

B. Legal Basis and Framework

1. Is there a specific legal basis on which to build or enhance an export control system? Does it consist of laws passed by the legislature? Or constitutional provisions? Or is it based (exclusively or primarily) on executive authority (i.e., authority of the president or equivalent official)?

The primary licensing of dual-use items is under the Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET) list, which came into force April 1, 2000. It is a composite of controls from the following laws:

-- The Explosives Substances Act, 1908  
-- The Narcotics Drugs and Psychotropic Substances Act, 1985  
-- The Environment Protection Act, 1962, and notifications, 1995  
-- The Customs Act, 1962  
-- The Arms Act, 1959, and the Arms Rules, 1962  
-- The Foreign Trade (Development and Regulation) Act, 1992, No. 22 of 1992, covers items not regulated by any other Act. Licensing is administered by the Ministry of Commerce and Industry's Directorate General of Foreign Trade (DGFT), except for: a) prescribed substances and equipment related to nuclear

energy, which are regulated by the Department of Atomic Energy (DAE) - The Atomic Energy Regulatory Board also licenses radioactive material; and 2) Department of Defense Production and Supply licenses munitions exports.

12. Does the legal basis authorize control of the export, reexport and transit of all items on the multilateral regime lists (see C below)?

There are laws prohibiting and/or controlling the transit of controlled items, but these actions are not the focus of customs or licensing officials.

13. Does the legal basis authorize control of the export, reexport and transit of items for unilateral foreign policy reasons, such as human rights and regional stability?

The licensing board will consider the circumstances of the end user and end use country, but the scope of this consideration is unclear. Transit is rarely a concern for licensing or customs officials.

14. Does the legal basis authorize imposition of catch-all controls (i.e., controls based on the proposed end-use or end-user rather than just the nature of the item)?

No. According to some GOI officials, the GOI uses specific language like "used" or "intended to be used" and "including but not limited to" in the Atomic Energy Act and SCOMET lists to capture the idea of a catch-all control. However, Embassy is unaware of any enforcement actions taken on any entity based on these grounds. The Indian system lacks the commitment and resources to enforce the spirit of catch-all controls.

15. Does the legal basis authorize imposition of Controls on activities, such as brokering, finance, and other services?

No

16. Is there authority to control transfers of technical data and technical assistance, including intangible transfers?

Not under SCOMET, as far as we know.

17. Are there legal authorities to impose criminal penalties on individuals and legal persons for violations of export control requirements? What are the criminal penalties?

-- Explosive substances: 3 years imprisonment and/or Rs 5,000 fine for an export violation.  
-- Munitions: 3 years imprisonment and/or undetermined fine for an export violation.  
-- GOI officials state that criminal penalties for dual use items are possible but undefined.

18. Are there legal authorities to impose civil or administrative penalties for violations? What are the civil or administrative penalties?

The typical infraction is revenue-related, and the penalty is a fine of Rs 1,000, or an amount five times the value of the goods in question, whichever is larger. Failure to pay the fine could result in GOI seizure of the goods, and the company's/individual's loss of the Import/Export number (which means a loss of the right to import and export).

According to a DGFT representative, it may be legal in some cases to export controlled items without a license, but the company would do so "without government support," meaning that it would not get export subsidies or duty drawbacks for exporting the unlicensed item. The conditions for this situation are unclear.

19. Are there sufficient executive orders, interagency agreements, and the like to implement the export control system? What do such orders cover?

Yes - described in section I B 1.

110. Have decrees, regulations or other normative acts been promulgated to implement the legal authority?

Yes.

111. Do they fully implement the authorities provided for? If not, which of the authorities in the items above is not being implemented?

Insufficient implementation is a problem:

-- Export lists lack clarity for most potential dual-use items. There are only about 100 applications for export licenses per year.  
-- Embassy is unaware of the denial of any export license. In previous exchanges (Ref B), GOI stated that there had not been any during the previous calendar year.  
-- Indian Customs does not, on a routine basis, randomly search

export containers.

12. Are there legal safeguards against the improper use or disclosure of information obtained in the export control process?

Unknown.

13. Are there legal features that routinely interfere with the implementation of effective export controls (e.g., rigid privacy or property rights, lack of search and seizure authority)? Describe them.

-- Indian Customs has limited powers of law enforcement. Evidence of criminal wrongdoing outside of the port area must be turned over to the police;  
-- There is confusion about what needs a license - SCOMET includes few specifics besides chemicals.

C. Membership or adherence (in terms of policy) to Nonproliferation regimes and international nonproliferation norms:

1. Wassenaar Arrangement?

India does not participate in the Wassenaar Arrangement, but has made efforts to informally halt the transfer of Wassenaar-controlled items, even if they are not on India's own export control list, "Special Chemicals, Organisms, Materials, Equipments and Technologies" (SCOMET).

2. Nuclear Suppliers' Group?

No. The Nuclear Suppliers Group (NSG) was formed following India's nuclear test in 1974. Although the NSG continues to pursue outreach to key non-member states, including India, the GOI considers the NSG to an obstacle to India's pursuit of nuclear fuel for civilian purposes, e.g., NSG intervention to prevent Russian nuclear supply to India. As part of its NSSP obligations, the GOI intends to adhere to NSG guidelines.

3. Missile Technology Control Regime?

No. The GOI believes that the MTCR infringes on their right to develop their defensive weapons capabilities, however, it also investigates and may prosecute cases when proliferation of MTCR-controlled items are brought to its attention. As part of its NSSP obligations, the GOI intends to adhere to the MTCR at a date to be determined.

4. Australia Group?

No, but the GOI investigates and may prosecute cases when proliferation of AG-controlled items are brought to its attention.

5. Are there laws/regs/guidelines concerning adherence to international nonproliferation norms, such as NPT, CWC, BWC, and UN embargoes?

-- India is a party to the CWC and lists restricted chemicals clearly on SCOMET (see VII 1 b).  
-- India has signed the BWC (see VII 1 c).  
-- India has also, in general, supported UN embargoes.

II. Process for controlling items and evaluating transfer requests

A. Control Lists

1. Are there legal authorities to establish and modify control lists?

SCOMET is the primary control list, and has legal basis in the following laws:

-- The Explosives Substances Act, 1908  
-- The Narcotics Drugs and Psychotropic Substances Act, 1985  
-- The Environment Protection Act, 1962, and notifications, 1995  
-- The Customs Act, 1962  
-- The Arms Act, 1959, and the Arms Rules, 1962  
-- The Foreign Trade (Development and Regulation) Act, 1992, No. 22 of 1992, covers items not regulated by any other Act.

2. Are the control lists made available to the public?

Yes, they are on the internet.

3. Are there agencies/personnel in place who are responsible for maintaining and regularly updating control lists?

DGFT is responsible for maintaining most of the list, DAE for nuclear-related items, and the Ministry of Defense for munitions. SCOMET categories are broad, do not refer to specific items besides chemicals, and are not often updated.

4. Do the control lists conform with multilateral nonproliferation regime/arrangement control lists?

Conforms only with CWC.

- a. Wassenaar Arrangement?
- b. Nuclear Suppliers' Group?
- c. MTCR?
- d. Australia Group?

15. Are the regulations for catch-all controls public?

The GOI uses specific language like "used" or "intended to be used" and "including but not limited to" in the Atomic Energy Act and SCOMET lists to capture the idea of a catch-all control. However, Embassy is unaware of any license denials or enforcement actions taken against any entity based on these grounds. The Indian system lacks the commitment and resources to enforce the spirit of catch-all controls.

a. Are catch-all controls used effectively?

No.

b. Is there sufficient industry outreach to explain catch-all provisions for all types of export control regulations?

No. The GOI is planning industry outreach programs, but has not yet done so. Confusion within the GOI as to what non-chemical items would require licensing may limit the effectiveness of outreach.

1B. Authorization Requirements

1. Is registration of munitions exporters, manufacturers and brokers required?

Yes. All exporters must register with DGFT, MOD has special licensing for munitions exports.

2. Is there a requirement for registrants to Disclose foreign ownership/control?

-- Dual-use items: No.

-- Munitions: Unknown. The GOI limits foreign ownership of munitions manufacturers to a maximum of 26%, and most indigenous munitions manufacturers are government-owned.

3. Are the regulations/licensing requirements public?

Yes, as broad regulations.

4. Do the license applications require information sufficient for an informed review and decision?

a. Quantity and description of items?

Yes.

b. Intended end-use?

Yes.

c. Valid needs of the end-user?

Yes.

d. Identification of all parties to the transaction, their address and destination to include intermediate consignees?

No - exporter and end-user only.

5. Are licenses/authorizations required for exports? Which exports (e.g., "munitions and dual-use items on the multilateral control lists")?

Yes - for dual use, nuclear-related items, and munitions. Some other products require export licenses, but it is unclear which ones.

6. Are licenses/authorizations required for imports? Which imports?

Yes - U.S. companies have reported the need for an import license for some items subject to U.S. export licenses, but it is unclear which ones.

7. Are licenses/authorizations required for transshipment (involves off-loading of cargo)?

No, not in practice.

8. Are licenses/authorizations required for transit (no off-loading of cargo)?

No, not in practice at seaports.

a. What authorization is required for transit? For transshipment?

-- Transit: None, in practice. Indian customs claims they do not review transit vessel manifests or search transit goods.

-- Transshipment: None, in practice. India has agreements with Nepal and Bhutan for duty-free transit of goods to those countries. By Indian law, prohibited items cannot be transshipped without authorization. Indian Customs does not in practice examine these shipments.

19. Are licenses required for reexport (controlled item leaves country)?

Yes, if they are subject to SCOMET controls.

110. Are licenses required for retransfer (change of end-use or end-user within country)?

Yes, for SCOMET-controlled exports to another country.

111. Is there authority to require end-user certificates as conditions of license approval?

Yes.

112. Are the requirements for end-user certificates imposed regularly and effectively?

Regularly, yes.

113. Is there legal authority for passing information regarding bad actors, known violators, etc., to other cooperative governments?

No.

#### 1C. Screening

1. Are license applications screened to identify suspected bad actors?

Yes.

2. Is there a database drawing on inter-ministerial sources of persons/entities who are debarred or suspected of illicit activity (i.e. watch list)?

Yes. The GOI maintains a list of companies and individuals with prior import/export violations, called the Denied Entities List (DEL). Conditions for being placed on the list could be both from revenue infractions or other violations.

3. Are there end-use/end-user verification procedures in place?

Unknown. The GOI claims there are, but we have not been able to verify their use.

4. Are end-use/end-user verification checks conducted routinely and frequently?

Unknown.

5. Are there pre-license checks?

Unknown.

6. Are there post-shipment verifications?

The GOI has legal provisions that authorize an official to perform end use verifications on SCOMET exports. We are unaware if they have ever done so.

The GOI requires a copy of the bill of entry for a SCOMET item, filed by the importer in the destination country, to be submitted to DGFT. This is the GOI's primary method of verifying delivery and end-use of the item.

7. Is there international cooperation in identifying and preventing transfers of proliferation concern?

The GOI has intervened on several occasions to prevent shipments brought to its attention by the USG. In some of these cases, the GOI intervened even though the export was not illegal under GOI law.

#### 1D. Decision-making

1. Does the country have responsible transfer policies?

2. Are there decision-making criteria for approving transfers?

Unclear. The lack of specifics in export control regulations has limited license applications to about 100 per year. To our knowledge, the GOI has not turned down a license application.

3. Are these criteria reflected in written guidelines, standards and procedures?

Unclear - would be internal GOI procedures.

14. Are there policies with respect to specific countries, country groups, and areas of conflict?

Unknown.

15. Are these guidelines comparable to policy/practice under U.S. Conventional Arms Transfer policy and dual-use export policy?

No.

16. Are there adequate referral mechanisms, including case-tracking and the forwarding of cases to other agencies for review before disposition?

Yes. License applications must be approved by an Inter-Ministerial Working Group (IMWG) composed of ten members that meets once per quarter. Each ministry on the working group reviews each application before the committee meets to approve the license.

17. Are policy and national security concerns given sufficient weight in decision making (e.g., compared to economic factors)?  
Unknown. In recent years, economic factors have grown in importance.

18. Are the licensing process and verification procedures being enforced?

Licensing for 100 items per year only. Verification unknown.

19. Do agencies involved in license processing have the ability to deny license applications and to escalate decisions to national-level authorities?

Yes, they have the authority. It is unknown whether they have ever done so.

110. Are there clear authorities to deny a license, specifically for foreign policy and national security reasons?

Reason to deny a license is unclear.

111. Are there regulations providing for suspension and revocation of export licenses/authorizations?

The Foreign Trade (Development and Regulation) Act of 1992 authorizes DGFT to suspend an Exporter-importer Code Number (authority to export and import), if "any person has made an export or import in a manner gravely prejudicial to the trade relations of India with any foreign country or to the interests of other persons engaged in imports or exports or has brought disrepute to the credit or the goods of the country." There is no specific language for national security.

112. Do licensing officials have access to the (intelligence) information necessary to make informed decisions during license processing?

Unknown.

#### 1E. Training

1. Are licensing officials adequately trained, including technical expertise, to review license/authorization requests?

Unknown.

III. An enforcement mechanism that provides authority for trained enforcement officers to investigate and prevent illegal export

#### 1A. Effective enforcement

1. Are there law enforcement officials with clear lines of authority responsible for conducting investigations, making arrests, and prosecuting cases under the export control laws and regulations?

The lines are not clear in practice, it appears to depend on the commodity in question.

2. Are there legal authorities to enforce trade in controlled items at all borders (land, sea, air) for outbound, inbound, and in-transit cargo?

Not for in-transit cargo. They cannot examine it to determine whether it is a licensable commodity without having "probable cause" indicating a violation has occurred. Legal precedent has not been well established here, as there is much disagreement about this issue within GOI customs.

3. Do export control enforcement officials possess authority to search, detain and seize products? With a warrant? Without a warrant?

Legally Customs is allowed to search and detain without a warrant, but the application is difficult. Custom claims they can detain an item scheduled for export for only five days in order to get a licensing determination from licensing authorities. Lower level officials cannot search without approval from superiors.

14. Are there limitations imposed on export enforcement officials that hinder the effectiveness of their work? What are they?

Yes, they are instructed to target examinations to detect revenue fraud. Other limitations include: the short amount of time allowed for a licensing determination (5 days), the inability for lower level officials to order examinations, lack of training in examination and inspection of goods, conveyances, and containers for contraband. Widespread corruption also hinders the ability of officers to examine and seize goods.

15. Are inspectors adequately trained to identify controlled items?

No, this training is not part of the curriculum. Some on-the-job training takes place, but at a level higher than inspector.

16. Are inspectors adequately trained in customs inspection techniques and procedures?

No, not outside of the area of classification and value. They have little experience examining for contraband in commercial cargo. When examinations take place, it is usually at the instruction of outside agencies.

17. Does the consignee have to be present during a search of goods?

Yes, or his customs broker.

18. Are customs and law enforcement officials held liable for damage occurring during a search?

They claim they are. There certainly is a fear of retribution for holding up or examining goods. This may tie into integrity/corruption issues.

19. Does a frontline inspector have the authority to conduct a search on his own, or does he/she need approval from a supervisor. If yes, at what level?

No. Higher level supervisors must approve in practice.

110. Is corruption a problem within customs/law enforcement organizations?

The corruption problem is well documented and widespread within Indian government, especially in Customs and Excise and the CISF (police that provide port security).

111. Are there sufficient personnel devoted to export enforcement, including at the borders? Are they properly trained?

No. There is a large number of persons dedicated to detecting export fraud in their government drawback schemes. They are not looking for contraband or controlled items. Lack of manpower is not an issue.

112. Is there sufficient, functioning equipment and other resources devoted to interdicting unauthorized transfers of controlled items?

No, The largest land border station in Indian does not have a truck dock to unload cargo for inspection. Most Seaports have no inspection facilities.

113. Are there regulations published on customs/border control procedures and requirements?

Unknown.

114. Are there standard operating procedures at all border locations?

Unknown.

115. Are there actual checks being made at national borders, transit points and ports?

Border control authorities check licenses to make sure they are valid and in order. They do not routinely search for smuggled or non-revenue generating items.

116. Are there effective transshipment controls at national borders, transit points and ports?

No, there is no interest in this area, as it does not generate revenue. Customs export official repeated that this was "not



India's problem".

17. What investigative activities are being carried out?  
Only if info is provided by another agency, e.g., IB or RAW

a. Undercover operations?

None

b. Stings?

None that we are aware of

c. Paid informants?

Not in the export field to our knowledge

d. Electronic surveillance?

They have the technical capability to do so.

18. Are the penalties being enforced with actual prosecution?

There are between 3 and 13 prosecutions for export control violations (presumably in a 1-year period). Most of the offenses are revenue violations, and Post is unaware of any convictions.

19. Have they conducted any criminal investigations? What were their outcomes?

500 arrests per year for import/export violations, mostly for revenue violations, although Embassy is not aware of the specific number for exports. Most cases are settled with fines and payment of full customs duties. Embassy has received no examples of arrests or prosecutions for non-revenue issues.

20. Are there sufficient civil and administrative penalties for export control violations?

Fines for export control violations are between Rs 1,000 and five times the value of the duty that would have been imposed on the goods. Other civil penalties are the loss of the ability to export, for the individual and the company.

21. Are criminal penalties used for export control violations?

Between 3 and 13 cases (presumably in a year) face prosecutions for export violations. Court cases in India can be drawn out over years, and twelve-year prosecutions are not uncommon. Courts, however, also have the power of immediate injunction, so that illegal activity (or allegedly illegal activity) can be stopped pending prosecution and conviction. Post is unaware of non-revenue related prosecutions or convictions.

22. Are there customs assistance agreements with U.S. and other multilateral regime partners?

There are customs bilateral agreements between India and the US, Iran, Russia, UK, Uzbekistan, Hong Kong, Israel, Egypt, and the Maldives.

23. Are there extradition treaties with these partners?

No

24. Does customs have sufficient equipment to detect WMD and related items? Sufficient training?

No, they are interested in increasing their ability through the use of technology, by not in manpower resources and targeting which would lessen their ability to focus on revenue loss. This is an area that EXBS could assist in at the major seaports and airports.

25. Are there procedures in place to ensure proper handling of detected WMD materials?

No, there is no secure seized property area or area designated for the storage of seized or detained property.

a. What are they (e.g. seizure, proper storage)?

IV. Procedures for the coordination and exchange of information  
A. Interagency coordination and exchange of information concerning export (transfer) control procedures, involved parties, and export (transfer) control violations

1. Provisions for gathering information on controlled trade

The GOI is developing a database on targeting import and export irregularities at major seaports. Officials have stated that the main target is revenue violations and detection of corruption.

a. Is the information being gathered effectively?



The system is not yet in place.

b. Is the information being analyzed with the intent to affect policy?

No.

c. Are there adequate personnel and other resources devoted to gathering information on controlled trade?

No.

12. Are there mechanisms for timely and discreet information exchange among concerned agencies and governments?

Yes, the mechanism is there. To date, the exchange has not been timely.

13. Do the interdiction officials exchange information with the investigatory and prosecutory authorities and vice versa?

Unknown, but they should. Indian Customs' authority is limited, and they must turn over to the police any investigation that must be conducted outside of a port area.

14. Is there an adequate role for intelligence agencies?

Unknown.

15. Is the intelligence community providing the necessary information?

Unknown.

16. Do border control officials have good working relations with their neighboring counterparts at border crossings?

They do appear to have a good relationship with the Bangladeshi customs and immigration departments at the Indian-Bangladesh border. The relationships at the Indo-Pakistan and Indo-Nepal borders are unknown. They do not have good relation with other Indian border officials at their own ports (CISF, BSF, and especially immigration).

B. Industry, Public, and Government Cooperation (both licensing and law enforcement)

1. Provisions for sharing information with industry and the public on export control policy

GOI is arranging an outreach program in conjunction with two of the largest trade and industry organizations in the country.

a. Is the information being shared?

Not yet.

b. Do the authorities inform industries of export licensing/authorization requirements?

Some information is available on official export license applications, otherwise no.

2. Does an industry out-reach program exist?

No, but there are plans to organize them.

a. Are there meetings, conferences, and symposiums being held?

Not yet.

b. What means of dissemination exist for the distribution of educational materials to industry?  
The major trade and industry organizations have export control specialists.

3. Does industry have an opportunity to appeal license/authorization decisions?

Yes.

4. Do authorities induce companies to adopt internal compliance programs?

No.

5. Is the government committed to protection of proprietary information of businesses that comply with the law?

Unknown.

6. Are there authorities and procedures for industry to make voluntary disclosures?

Unknown.

C. Bilateral Cooperation

11. Does subject country exchange policy, license decision, law enforcement and intelligence information with the U.S. on a bilateral basis as needed and periodically?

Law enforcement information is shared as needed, otherwise no.

12. Is subject country willing to establish arrangements to do so?

The GOI has signed a Customs Mutual Assistance Agreement with the U.S. and other trade partners, and is willing to share information in this area.

13. Will the law enforcement authorities work cases with foreign law enforcement authorities?

Yes, they have done in the past.

#### V. Program Administration and System Automation

##### A. Infrastructure

1. Are there sufficient infrastructure, administrative capabilities, facilities, equipment (automation, communications, and data-processing systems)?

No. Automated information systems and equipment are generally lacking.

a. Is the equipment, including software, up-to-date?

No.

2. Are there agencies/personnel responsible for this component of the export control system?

The GOI has an informatics center that is responsible for information systems government-wide, and they are involved in developing the targeting system described in IV A 1.

3. Are they adequately trained, including trained to use automation equipment?

No, not yet.

4. Are there enough licensing officers to process license applications in a timely fashion?

All license processing is done by the IMWG, once per quarter. With the low number of applications, they claim they are able to handle all of the pending licenses at one sitting.

##### B. Administrative Structure

1. Are there procedures to govern the filing, receiving, forwarding and tracking of cases and support information?

Yes.

2. Do mechanisms exist for interagency and international exchange of classified information?

Unknown.

3. Is training available for information handlers?

Unknown.

4. Is there a projected timetable and cost for development and implementation of the administrative structure, if not in place already?

#### VI. Additional "Standards" Questions on Training and Procedures

##### A. Licensing Officials

1. Are licensing officials required to undergo professional training with regular updates?

Unknown. Licensing decisions are made by inter-ministerial committee.

2. Are adequate institutions or procedures in place for delivering this training?

Unknown.

3. Are institutions/procedures in place to control re-exports/transits/transshipments?

Legally yes, but Embassy has no evidence of institutional or procedural systems of effective control for transit and transshipment. It is also not a priority for Customs.

4. Are institutions/procedures in place to control technical data and assistance (intangible technology or "deemed" exports)?

Not under SCOMET, as far as we know.

15. Are institutions/procedures in place to control brokering of exports extending to persons beyond national borders?

Unknown.

16. Do laws, decrees, or regulations provide for industry input into the decision-making process on export controls?

Unknown, but anecdotal evidence suggests not.

17. Does the country have procedures for participating or unilaterally adhering to the four regimes - including procedures for updating national control lists to capture additional items?

See sections I C and VII for formal and informal adherence to control regimes.

#### B. Enforcement Officials

1. Are enforcement officials required to undergo professional training on nonproliferation policies or WMD awareness with regular updates?

No

2. Are adequate institutions or procedures in place for delivering this training?

Yes, when courses are so desired.

3. Do laws, decrees, or regulations provide enforcement agencies with authority to ascertain actual delivery of licensed goods (Delivery Verification)?

No. End use delivery certificates are delivered to licensing agencies.

4. Do laws, decrees, or regulations provide enforcement agencies with authority to conduct post-shipment checks?

Unknown. The law authorizes post-shipment checks, but it is unclear who performs them.

5. Are institutions/procedures in place to perform delivery/post-shipment verifications?

Unknown.

6. Do laws, decrees, or regulations provide enforcement agencies with authority to gather information on end-users and foreign entities of proliferation concern?

Unknown.

#### VII. Broad Political Commitment

1. Is the country a member of/subscribe to the following:

##### a. Nonproliferation Treaty (NPT)

No. As a de facto nuclear weapons state, India will not sign the NPT, however, it abides by most of the NPT guidelines and encourages signatory countries to uphold their obligations under the treaty.

##### b. Chemical Weapons Convention (CWC)

India was one of the original signatories of the CWC in 1993 and ratified the Convention in September 1996. In 1997, India admitted that it has produced and stockpiled chemical munitions, but only for "defensive purposes." Under the terms of the CWC, India should have destroyed 45 percent of its stockpile by 2004 and the remaining stockpile by 2007.

##### c. Biological Weapons Convention (BWC)

India signed the BWC in 1973 and ratified it the following year. In 2003, the Congressional Research Service reported that India is believed to have an active biological defense research program as well as the necessary infrastructure to develop a variant of biological agents."

##### d. Comprehensive Test Ban Treaty (CTBT)

India is not a signatory to the CTBT. India objected to the lack of provision for universal nuclear disarmament "within a time-bound framework." India also demanded that the treaty ban laboratory simulations. In addition, India opposed the provision in Article XIV of the CTBT that requires India's ratification for the treaty to enter into force, which India argued was a violation of its sovereign right to choose whether it would sign the treaty.

##### e. International Code of Conduct against Ballistic Missile Proliferation (ICOC)

India is not a signatory to the ICOC on the grounds that it is

discriminatory and interferes with the peaceful uses of space technology.

12. Does the country accept the IAEA safeguards?

India is a member of the IAEA, and four of its 13 nuclear reactors are subject to IAEA safeguards.

13. Does the country accept the IAEA Additional Protocol (IAEA/AP)?

India has not signed the Additional Protocol.

14. Does the country participate in the UN Register of Conventional Weapons?

Yes.

15. Does the country participate in the G-8 Global Partnership? No, but the Prime Minister has attended several G-8 summits as a special guest, including the upcoming summit at Gleneagles.

16. Does the country participate in other nonproliferation and/or export control arrangements (outside those previously listed) or provide bilateral export control-related training/assistance?

No.

17. Is the country a member of a nuclear weapons (or WMD) free zone (including but not limited to Tlatelolco, Bangkok, Pelindaba, and Rarotonga Treaties)?

No.

BLAKE